

Application No. 09/929,144
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REMARKS

Entry of this Response is believed proper since no new issues are being raised which would require the Examiner's further consideration and/or search.

Claims 1-20 are presently pending in this application.

Claims 1-18 and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Summerell et al., U.S. Pat. No. 5,937,387.

Claim 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Summerell et al., U.S. Pat. No. 5,937,387, further in view of Mansfield et al., U.S. Pat. No. 5,819,735.

These rejections are respectfully traversed in view of the following discussion.

I. APPLICANT'S CLAIMED INVENTION

The claimed invention (as defined, for example, by independent claim 1) is directed to a health care system including, a user terminal, a network, a health care center terminal connected via the network to the user terminal and that is accessible from the user terminal, and an analytic server that analyzes health information supplied from the user terminal, the analytic server being connected to the health care center terminal. The health care center terminal includes a diagnostic form display function that displays on the user terminal a diagnostic form, in which a user can enter predetermined health information, and also including a health information reception function that receives the health information entered in the diagnostic form, and a health information transmission function that transmits the received health information to the analytic server. The analytic server includes a health information database associated with the entered health information, and a health analysis

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function that receives the health information transmitted from the user terminal, and analyzes the user's health on the basis of the received health information and the health information database. The analytic server further includes an analyzed information transmission function that transmits via the health care center terminal to the user terminal the information analyzed by the health analysis function.

Conventionally, health care systems use personal home computers, and it is necessary to install in the home computer a database of health information and a program for outputting advice based on the database and the health data entered into the computer. The user must buy software, the health care system is time-consuming and costly, and it is also necessary to update the database of health information every day so that the computer can output up-to-date advice to provide the user, and to upgrade the software, both requiring time and cost. (Application at page 2, line 18 to page 3, line 16.)

The claimed invention (e.g., as recited in claims 1 and 13-14), on the other hand, a health information database associated with the entered health information, and a health analysis function that receives the health information transmitted from the user terminal, and analyzes the user's health on the basis of the received health information. This feature is important to improve the performance of analyzing received health information by passing the information to a separate high-performance analytic computer. (Application at page 10, line 8 to page 11, line 8.)

II. THE ALLEGED PRIOR ART REJECTIONS

A. 35 U.S.C. § 102(b) Rejection over Summerell et al., U.S. Pat. No. 5,937,387

The Examiner alleges that Summerell et al., U.S. Pat. No. 5,937,387, (Summerell),

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teaches the invention of claims 1-18 and 20.

With respect to Applicants independent claim 1, Applicant submits, however, that Summerell does not teach or suggest, "the analytic server including a health information database associated with the entered health information, the analytic server also including a health analysis function for... analyzing the user's health on the basis of the received health information and the health information database."

Summerell discloses that the wellness options system (column 5, lines 60-67) processes the health profile questionnaire of the personal profile questionnaire (column 9, lines 15-25) on the basis of the most recently available information relating to the health sciences, (Abstract), and guidelines to determine suitable courses of action, (column 5, lines 65-67).

There is no teaching or suggestion in Summerell where a database is identified as data entered in the health profile questionnaire of the personal profile questionnaire. The database of Summerell only relates to published health sciences data and predetermined guidelines.

Furthermore, there is no teaching or suggestion in Summerell that the data entered in the health profile questionnaire of the personal profile questionnaire (Applicant's *received health information*) is used in a health analysis function of the wellness options system for analyzing a user's health on the basis of the received health information.

With respect Applicant's independent claims 13 and 14, Summerell fails to teach or suggest, "the analytic server including a health information database associated with the entered health information," and "analyzing the user's health in the analytic server on the basis of the health information data base and the health information received in the analytic server," for reasons analogous to the arguments presented above with respect Applicant's

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independent claim 1.

Therefore, Applicant respectfully requests Examiner to reconsider and withdraw this rejection since the alleged prior art reference fails to teach or suggest each and every element and feature of Applicant's claimed invention.

B. 35 U.S.C. § 103(a) Rejection over Summerell et al., U.S. Pat. No. 5,937,387 further in view of Mansfield et al., U.S. Pat. No. 5,819,735

The Examiner alleges that Summerell et al., U.S. Pat. No. 5,937,387, (Summerell), further in view of Mansfield et al., U.S. Pat. No. 5,819,735, (Mansfield), makes obvious the invention of claim 19.

Applicant submits, however, that Summerell further in view of Mansfield does not teach or suggest, "the analytic server including a health information database associated with the entered health information, the analytic server also including a health analysis function for...analyzing the user's health on the basis of the received health information and the health information database," with respect to Applicant's independent claim 1 for reasons analogous with respect to the arguments presented above.

Mansfield discloses a portable, autonomous electronic device consisting of a barcode scanner, an updatable nutrition facts database, user memory to store product records of products eaten, and an integral readout display that will allow a user to scan barcodes on food items consumed and keep a cumulative total of calories and other nutrients.

With respect to the rejection of Applicant's claim 19, Applicant respectfully submits that the combination would not teach or suggest each and every element of the claimed invention, since Summerell, as pointed out above, nor Mansfield, either alone or in combination, fails to teach or suggest, "a health information database associated with the

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entered health information," and "a health analysis function for...analyzing the user's health on the basis of the received health information".

Therefore, Mansfield fails to overcome the deficiencies of Summerell.

Therefore, Applicant respectfully requests Examiner to reconsider and withdraw this rejection since the alleged prior art reference fails to teach or suggest each and every element and feature of Applicant's claimed invention.

III. FORMAL MATTERS AND CONCLUSION

Applicant respectfully requests the Examiner to reconsider the references filed on August 15, 2001, specifically, JP 2000-99605, JP 7-175404, JP 10-295651 and JP 61-211760 that were not considered in the Final Office Action mailed on July 28, 2006. Applicant maintains that each of these references were filed on August 15, 2001 with an English language abstract for consideration by the Examiner pursuant to 37 C.F.R. § 1.98(a)(3). Applicant encloses a PTO-1449 for consideration by the Examiner and courtesy copies of the front-page abstracts of each of the above-mentioned previously filed four (4) references.

In view of the foregoing, Applicant submits that claims 1-20, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: Sept 28, 2006

Respectfully Submitted,



Donald J. Lecher, Esq.

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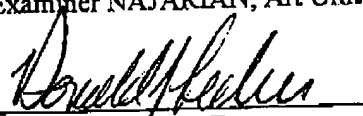
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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed Request for Reconsideration under 37 C.F.R. § 1.116 to Examiner NAJARIAN, Art Unit 3626, on September 28, 2006.



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